HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1166 (S/S) 2006

Ramesh Chandra Raturi S/o Sri N.N. Raturi,
Resident of 31/3, Pathri Bag, Dehradun. -- Petitioner.

Versus

1. The State of Uttaranchal through Secretary,
   Ministry of Harijan Samaj Kalyan and,
   Rural Development Uttaranchal, Dehradun,
2. Director, Interrogative Child Development Scheme,
   47-D, Defense Colony, Sector-4,
   Uttaranchal, Dehradun. --Respondents.

Sri C.D. Bahuguna, learned counsel for the petitioner,
Sri Harendra Belwal, learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri C.D. Bahuguna, learned counsel for the petitioner and Sri Harendra Belwal, learned Standing Counsel for the State.

The present writ petition has been filed for the following reliefs:-

I. Issue a writ, order or direction in the nature of certiorari quashing the order of suspension dated 4th April 2002 passed by the disciplinary authority, contained in annexure no. 1 to the writ petition,

II. Issue a writ, order or direction in the nature of certiorari quashing the departmental charge sheet dated 08.01.2003 framed against the petitioner, contained in annexure-2 to this petition and consequently entire disciplinary launched against the

petitioner pursuant to the above charge sheet may also be quashed,

III. Issue a writ, order or direction in the nature of mandamus commanding the respondents to pay damages as is determined by this Hon'ble Court for causing immense pains and sufferings to the petitioner for no fault of his during the last 4 years,

IV. Issue any other writ, order or direction, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

V. Award cost of petition to the petitioner.

Brief facts, as narrated in the writ petition, are that the petitioner was appointed on the post of Junior Clerk vide order dated 08.11.1985 in the Child Development Scheme of the State Govt. and was posted at Jakhnidhar, District Tehri Garhwal. On 04.04.2002, the petitioner was placed under suspension pending inquiry for certain charges. The chargesheet was issued to the petitioner on 08.01.2003. After holding inquiry, the Inquiry Officer has already submitted its report to the Disciplinary Authority on 18.05.2004, however no final order has yet been passed by the Disciplinary Authority. The petitioner is still under suspension since 04.04.2002.

Submission of the learned counsel for the petitioner is that he has made repeated representations before the Authorities to pass final order but till the date no final order is passed by them. It is settled law that an employee cannot be put under suspension for an indefinite period.

In the circumstances aforesaid, the respondent no. 2 is directed to pass final order on the inquiry initiated against the petitioner within a period of three weeks from the date of receipt of a certified copy of this order failing which the suspension order of the petitioner shall stand revoked.

With these directions, the writ petition is finally disposed of. No order as to costs.

The interim relief application no. 11018/2006 stands disposed of.

(M.M. Ghildiyal, J.)

August 29, 2006:
NCM: